IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION.

FILED

DEC 27 1973

BRAXTON JONES, Clerk
By [illegible] D.C.

JAMES E. RAY, #65477
Plaintiff/ petitioner

vs.

HON. WINFIELD DUNN, Governor, State of Tenn.

MARK H. LUTTRELL, Commissioner of corrections, State of Tenn.

Defendants

Civil action no 7338

PETITION FOR TEMPORARY RESTRAINING ORDER

Petitioner, acting pro se, alleges:

1. That on or about, December 21st 1973, petitioner was informed by deputy warden, Robert Morford, an employe of the Tenn. State prison, Nashville division, that said prison officials was negotiating with Federal authorities to transfer petitioner-who is an inmate of said prison- to a United States government penitentiary.

2. That petitioner is under no penitentiary sentence pursuant to a conviction in United States courts, nor does the Federal government hold detainers against petitioner.

3. That said reported transfer is a logrolling operation devised by the Tenn. Attorney General's office, and the State administration, to obstruct petitioner's legal processes under the charge petitioner is incarcerated under and, political considerations for 1976; and not, as Gov. Dunn implied Dec. 21st during a TV news conference, "that Tennessee are incapable of running their own institutions".

4. That petitioner intends to contest said reported transfer through the courts.

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5. That an article in the, Tennessean, dated Dec. 22nd 1973, suggest's that their is a move afoot by Federal & State bureaucrats to surreptitiously attempt a removal of petitioner from his present jurisdiction, without regaur to due process of Law, to a Federal mental institution in, Springfield, Missouri.

6. That the State of, Missouri, not the Fdderal Government, has alleged succeeding jurisdiction over petitioner.

7. That petitioner received a back injury approximately thirty (30) days ago which prevents him from standing or sitting in excess of ten (10) minutes at a time, the nature of which would preclude his being transfered a substantial distance without the possibility of irreprable physical harm being done.

8. That petitioner has received inadquate treatment for said back injury and a transfer to Fodcral jurisdiction would obsecure the negligence, if any, between Federal & State authorities.

WHEREFORE, petitioner prays the honorable court issue orders restraining the defendants from transfering petitioner beyon the instant court's jurisdiction, until a hearing can be held, as said reported transfer would result in immediate & irreprable legal & physical damage to petitioner; that the court also overlook technical error herein- until petitioner can retain counsel which he ic in the process of doing- since petitioner is denied use of the prison Law library.

Respectfully submitted:
plaintiff/ petitioner James C. Rea #65477
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